

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/07

SPONSOR Griego LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Acequia Commission Staffing SB 914

ANALYST Propst

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$130.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HB 228

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

Office of State Engineer (OSE)

### SUMMARY

Senate Bill 914 would make an appropriation of \$130.0 from the General Fund to the Department of Finance and Administration for expenditure in FY08 to provide staff support for the New Mexico Acequia Commission.

### FISCAL IMPLICATIONS

The appropriation of \$130.0 from the General Fund is a recurring appropriation. Any unexpended amounts at the end of FY08 shall revert to the General Fund.

### SIGNIFICANT ISSUES

DFA reports that the Acequia Commission has expanded its mandated role of acting as “facilitator for communication between local acequia organizations and the state and federal governments” by engaging with agencies regarding their interactions with local acequia organizations. In so doing, it serves a role in facilitating communication not only between local acequia organizations and the agencies, but also between the agencies themselves. In most cases,

acequia matters are tangential to the agencies' primary missions and thus acequia concerns fall between the cracks, particularly where a particular issue requires cross-agency cooperation. By bringing focus to acequia needs and applying its leverage to bring together multiple agencies, the Commission has shown that it can be a catalyst to resolve problems that have languished in the past and promote new solutions that no single agency would have developed on their.

During the coming year, the Acequia Commission indicates it would like to continue and expand the dialog it has initiated with multiple agencies on how services to acequias can be improved through better coordination and cooperation between agencies. It also intends to give better exposure to services available to acequia by holding meetings in different parts of the state and inviting agencies to meet with the local acequia organizations in that region.

There is a growing interest in exploring options for “Alternative Dispute Resolution” (ADR) for resolving disputes between local acequia organizations. This approach to resolving conflicts via mediation by a neutral third-party actually is consistent with long-standing traditions of acequia governance, going back to the historical roots of these institutions in Spain. Consequently, there has been growing interest in exploring the potential benefits of this methodology to:

- Quickly arrive at practical solutions to problems that all parties can live with, without involving overburdened state agencies or courts, at a relatively low cost to all parties
- Keep the ideals of unity, peace, and harmony alive in rural New Mexico communities
- Allow the implementation of a system that has been traditionally used in rural New Mexico communities (alcade mayor)
- Involve knowledgeable, neutral mediators, with no stake in outcomes to assist in developing and implementing solutions to conflicts

The Acequia Commission intends to take the lead in developing a center for ADR that can assist local acequia resolve conflicts between themselves and with local/state governments.

## **PERFORMANCE IMPLICATIONS**

OSE notes that if this appropriation were used to create a term staff position for the Commission, the new position could provide staff expertise and continuity that could enable the Commission to undertake projects for the benefit of the acequia community across the State that the Commission, which is comprised of unpaid appointees and has no staff, currently cannot undertake.

## **ADMINISTRATIVE IMPLICATIONS**

The State Engineer’s acequia liaison currently provides some staff support to the Acequia Commission on an informal basis. The Office of the Attorney General provides legal counsel to the Commission pursuant to NMSA 1978, section 73-2-67 (1993). If this appropriation were used to create a term staff position for the Acequia Commission, the Commission would not need to look to the State Engineer’s acequia liaison for administrative support during the term of the new position.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The New Mexico Acequia Commission will continue to operate under existing funding.

WEP/mt